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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 THOMAS SCHUENEMAN

12 Plaintiff,

13 v.

14 1st CREDIT OF AMERICA, LLC, JOHN
15 DOE, AKA MR. SMYKAL; DOE ABC
16 COMPANY; and DOES 3 through 20,
inclusive,

17 Defendant.

Case No. C05 04505 MHP

18 **STIPULATION AND PROPOSED ORDER**
19 **MODIFYING CASE MANAGEMENT**
20 **ORDER AND PERMITTING FILING OF**
21 **A SECOND AMENDED COMPLAINT**

22 Plaintiff THOMAS SCHUENEMAN, a resident of the State of California, and Defendant
23 1st CREDIT OF AMERICA, a Delaware LLC, with its principal place of business in the State of
24 Illinois, through their counsel, have met and conferred on the feasibility and practicality of
25 complying with the Amended Court Order Continuing the Case Management Conference.

26 In serving Defendant 1st CREDIT OF AMERICA LLC's Agent for Service of Process
27 with the Complaint and First Amended Complaint, Plaintiff and his agent "National Registered
28 Agents," inexplicably failed to serve the documents required by Local Rules 4 and 16 beyond the
Summons and Complaint. Said documents were not served on 1st Credit's counsel until a date
subsequent to March 3, 2006.

The "Complaint" itself misidentified the defendant. Further, counsel for Defendant 1st
Credit was not served with Plaintiff's Ex Parte Request to Continue the Case Management
Conference until after the requested Order was signed. The net effect upon 1st Credit's counsel

1 was to deny Defendant's counsel sufficient time to properly prepare and address issues related to
2 the initial Case Management Conference and to adjust his calendar, including travel schedule,
3 accordingly.

4 The parties agree that JOHN DOE, AKA MR. SMYKAL, has not been served.

5 In addition, Plaintiff has, without stipulation or the consent of the Court, lodged or
6 attempted to file a Second Amended Complaint. Defendant's counsel has agreed under Rule
7 15(a), Federal Rules of Civil Procedure, to stipulate to such filing, but requires time to consider it
8 in light of the Court's Case Management requirements.

9 The parties have therefore stipulated to the following amended dates, and would
10 respectfully ask that the Court permit such revision as follows:

11 ~~1. Initial Case Management Conference shall be held on April 3, 2006 at 4. p.m.~~

12 ~~The parties would further request that this conference be by telephonic appearance.~~

13 2. Last day to meet and confer re initial disclosures, early settlement, ADR process
14 selection and discovery plan: **March 27, 2006**

15 3. Last day to file Joint ADR certification with Stipulation to ADR process or Notice
16 of Need for ADR Phone Conference: **March 27, 2006.**

17 4. Last day to complete initial disclosures or state objection in Rule 26(f) Report
18 file/serve Case management Statement, and file/serve Rule 26(f) Report: **April 11, 2006.**

19 5. Joint Management Statement and Proposed Order due: **April 17, 2006.**

20 6. ~~Joint Case Management Conference shall be held on May 8, 2006.~~

21 A Telephonic Case Management Conference shall be held on May 11, 2006 at 10:00 am.

22 **STIPULATION PERMITTING PLAINTIFF TO FILE A SECOND AMENDED**
23 **COMPLAINT**

24 Plaintiff THOMAS SCHUENEMAN and Defendant 1st CREDIT OF AMERICA LLC
25 hereby stipulate and agree that Plaintiff THOMAS SCHUENEMAN may file its Second
26 Amended Complaint, nunc pro tunc, to its date of lodging with the United States District Court
27 for the Northern District of California.

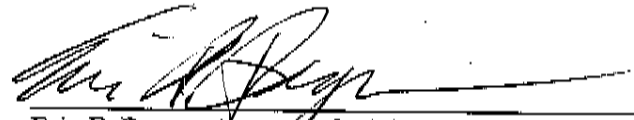
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1 Further, Defendant may have until April 12, 2006 to respond to the Second Amended
2 Complaint.

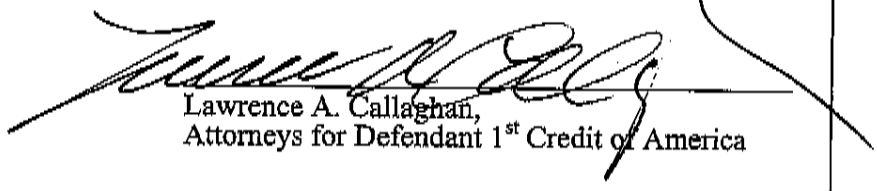
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4 So stipulated:

5 Dated: March 17, 2006

6 
7 Eric F. Fagan, Attorney for Plaintiff

8 Dated: March 17, 2006

Tucker Ellis & West

9
10 
11 Lawrence A. Callaghan,
12 Attorneys for Defendant 1st Credit of America

13 ORDER

14 PURSUANT TO STIPULATION,
15 IT IS SO ORDERED.

16 Dated: March 22, 2006

